



## UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

NORRIS, MCLAUGHLIN & MARCUS, PA  
875 THIRD AVENUE  
18TH FLOOR  
NEW YORK NY 10022

JUN 30 2008

In re Application of :  
HORN, JURGEN, : **DECISION ON PETITION**  
Application No. 10/623, 241 :  
Filed: July 18, 2003 :  
Attorney Docket No. 100723-14 :  
:

This is a decision on the Petition To Withdraw Holding of Abandonment (CFR 1.181), received in the United States Patent and Trademark Office (USPTO) on June 24, 2008.

The petition is **DISMISSED**. Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO MONTHS (2) from the mail date of this decision.

The application was held abandoned for failure to timely pay the issue fee as required in the Notice Of Allowance and Fee(s) Due, mailed February 14, 2008, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed June 9, 2008.

The Office acknowledges the timely receipt of Part B – Fee(s) Transmittal (Transmittal) on March 22, 2008, as evidenced by the “Office Date” stamp thereon. However, without the inclusion of the Deposit Account Number on the form there was no authorization to charge the required fees.

As an additional aid to applicants, the rule as proposed has been amended to include §§ 1.311(b)(1) and (b)(2) that can act as safety mechanisms. Where it is clear that an applicant actually intends to pay the issue fee and publication fee (if required) such as by submitting an incorrect issue fee or publication fee, or a fee transmittal form (or letter) for payment of the fees, a request to charge the correct issue fee or any publication fee due to any deposit account identified in a previously filed authorization to charge **such fees**, will be allowed to act a payment of the correct issue fee.

Petitioner should review the amended rules pertaining to general authorization to pay fees. See 65 FR 54647 September 8, 2000, revised 69 FR 56481 September 21, 2004, effective September 21, 2004.

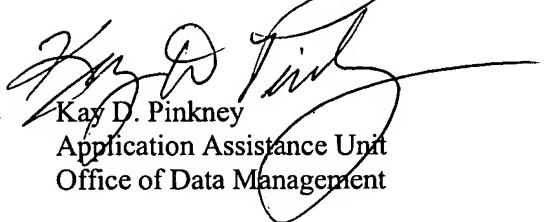
Unfortunately, the application file does not reveal a previously filed authorization to charge such fee(s) or specifically the issue fee.

**Add that the applicant will be sent to the Office of Petitions to consider the 1.137 petition.**

Further correspondence with respect to filing the petition under 37 CFR 1.137 should be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

*By mail:* Mail Stop Petitions  
Commissioner for Patents  
Office of Petitions  
P O Box 1450  
Alexandria, VA 22313-1450

Telephone inquires concerning this decision be directed to the undersigned in the Office of Patent Publication at 703-305-9250 x 175.



Kay D. Pinkney  
Application Assistance Unit  
Office of Data Management